Los Alamos National Laboratory — Supplemental Instructions

Subject: 6.2   Authority to Approve Sole-Source Justifications

Exhibit: 6.2a   Guidelines for Preparing a Sole-Source Justification

Guidelines for Preparing a Sole-Source Justification

For proposed procurements anticipated to exceed $100,000, a sole-source justification must be submitted to and approved by Business Operations Division (BUS). The justification must be signed by an individual with approval authority commensurate with the estimated value of the purchase request (PR). If desired, a contract specialist will be assigned to assist you in preparing a sole-source justification.

Please prepare your justification by following the format and guidance set forth below.

Program Identification and Information

Establish a foundation for your justification by describing the program, the item or service to be procured, and how it will be used to satisfy your requirements. The three key factors that must be communicated in this section include (1) a summary or description of the program, including the estimated value of the procurement and how the estimate was obtained; (2) the relationship that the item/service has to the program and/or task; and (3) the impact on the program if the item/service is not procured from the requested source. The level of detail that you provide should be sufficient to establish a sound basis for the balance of the justification.

Characteristics of the Item/Service

Communicate the unique, rare, singular, and/or the peculiar characteristics of the item/service. The key factors that must be communicated in this section include (1) the capabilities that any source must possess to satisfy your task or requirement; (2) the unique capabilities, characteristics, expertise, facilities, and/or equipment that a source must provide to satisfy the Laboratory's requirement; and (3) why competition is not possible.

In developing this portion of the justification, consider the following questions.

- How will be item be applied? Include a nontechnical description of the general application.

- Why do you not have a technical data package, specifications, engineering description, statement of work, or purchase description that is suitable for competition?

- What are the proposed source's unique capabilities or the item's unique characteristics? When addressing this question, consider the following additional questions:

    - Does the proposed source have personnel considered to be unquestionably the predominant experts in the particular field so that no other source could satisfy the requirement?

    - What prior experience of a highly-specialized nature does the source exclusively possess that is complex or specialized and vital to the proposed effort?

    - What facilities and/or test equipment does the source exclusively have that are complex, unique, specialized, and/or vital to the proposed effort?

- **-** Is competition precluded because of the existence of copyrights, secret processes, trade secrets, technical data, or proprietary data?

- Is there evidence, in the form of a memo, DOE Order, and/or a directive, that includes information that hampers, prevents, or otherwise prevails over considerations for competing this requirement?

- Is there an unusual or compelling urgency or extenuating circumstance that narrows the field of sources to your proposed subcontractor? If so, include the details to support your position.

- Is standardization or compatibility with existing equipment required? Explain the basis for the compatibility requirement. Identify the equipment and uniform applications that make standardization necessary.

- Is your requirement or task part of follow-on work that would result in duplication of costs or delays? If so, define the additional costs and/or delays that will result. Address the impact of each.

Market Survey Confirmation or Verification

Provide solid corroborating information that will support a determination that only the proposed source can provide the required item/service. This is done by surveying the market, and the key is your summarization of the market survey. The degree of information provided should be persuasive and sufficient to reinforce your sole-source selection. State whether a market survey has or has not been conducted. If a market survey was not conducted, it is important to state the reasons why.

In developing this portion of the justification, consider the following:

- What sources were contacted and what was the basis (technical or otherwise) for rejecting them as a possible source? It is important to present the information in a form or format that shows the key deciding factors that support your final decision.

- What technical judgements were made in proposing this source or arriving at your conclusions?

Summary/Conclusion

Summarize the justification by focusing on the key arguments, proof, or evidence that support your request. State the actions, if any, that will be taken to remove or overcome the barriers to competing future acquisitions. If no action is being taken, provide your reasons why. If no future acquisitions are anticipated, state so.

Unacceptable Sole-Source Justifications

When developing your sole-source justification, keep in mind that BUS cannot approve a sole-source on the basis of an unsolicited proposal, unless the proposal provides unique approaches that are unavailable from other sources; the contention that a source is uniquely qualified when such contention is supported by opinions or assumptions but not by facts; the need for access to classified information, except in situations when time will not permit securing the necessary access authorizations; the administrative convenience of the Laboratory; or a belief that a particular source can provide the items or services at a lower cost.